

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 10, 1997**

DIVISION ONE

B109183 People (Not for Publication)  
v.  
Munoz

We affirm the judgment.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B096579      Brentwood Bank of Calif.      (Not for Publication)  
v.  
American Mutual Mortgage, Inc., et al.

We affirm the judgments. The parties are to bear their own costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Dunn, J. (Assigned)

B098916      Miller      (Not for Publication)  
v.  
National Council of Jewish Women/L.A., et al.

We reverse the summary judgment dismissing appellant's slander cause of action. We remand the case to the trial court with instructions to deny respondents' summary judgment motion as to the slander cause of action and set that cause of action for trial. We affirm the judgment dismissing the remaining causes of action. Appellant is entitled to her costs on appeal.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

## DIVISION ONE (Continued)

B091199      Lawrence      (Not for Publication)  
v.  
A. Tod Hindin, et al.

We modify the judgment to award Lawrence prejudgment interest at 7 percent from the date of the breach to the date of the statutory settlement offer. As modified the judgment is affirmed. We remand for the trial court to make the necessary interest calculations. Each party is to bear his own costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Dunn, J. (Assigned)

### DIVISION THREE

B099262 People (Not for Publication)  
v.  
Colen

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

## DIVISION FIVE

B102758      Debra English      (Not for Publication)  
v.  
First Interstate Bank of California, et al.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Jackson, J. (Assigned)

November 10, 1997-Continued

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                     Jackson, J. (Assigned)

B101136 Deals on Wheels et al. (Not for Publication)  
v.  
Valley Produce & Deli et al.

Reversed in full. Appellants awarded costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.  
Jackson, J. (Assigned)

B107814 Sheri L. Dempsey (Not for Publication)  
v.  
3M Developers et al.

Affirmed. All parties to bear own costs on appeal.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

November 10, 1997-Continued

## DIVISION FIVE (Continued)

B107682 People (Not for Publication)

v.  
Manfred Westphal

The judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                     Jackson, J. (Assigned)

B105754      Todd Lethbridge      (Not for Publication)

V.  
Johnson & Johnson, et al.

The judgment is reversed.

Turner, P.J.

I concur: Aranda, J. (Assigned)  
I dissent: Grignon, J. (Opinion)

DIVISION SIX

B109603 Raymond D. Chivers (Not for Publication)

V.  
Debra Chivers

The judgment (order) is reversed and remanded for further proceedings consistent with this opinion. Costs on appeal are awarded to appellant.

Gilbert, J.

We concur:   Stone, P.J.  
                      Coffee, J.

DIVISION SIX (Continued)

B104055     Abdool, et al.  
              v.  
              Jackson, et al.

Filed order granting the motion to dismiss appeal pursuant to stipulation.  
Appeal (notice of appeal filed July 23, 1996) dismissed.

B106880     Abdool, et al.  
              v.  
              Jackson, et al.

Filed order granting motion to dismiss appeal. Consolidated appeals  
(notices of appeal filed October 25, 1996, November 22, 1996, and  
March 24, 1997) dismissed.

DIVISION SEVEN

B108930     Redondo Beach Unified School District                     (Not for Publication)  
              v.  
              City of Redondo Beach et al.

The December 6, 1996, order denying the motion for preliminary injunction  
is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                  Woods, J.

B103343     People                                     (Not for Publication)  
              v.  
              Pitts

The sentence is vacated and the cause is remanded for resentencing in  
accordance with the views expressed herein. In all other respects, the  
judgment is affirmed.

Lillie, P.J.

I concur:     Johnson, J.  
I concur and dissent:   Woods, J. (Opinion)

DIVISION SEVEN (Continued)

B109370      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Jerri D., et al.  
In re Keanna D., a minor

The portion of the December 11 order requiring DCFS to prepare a report which considers only the guardianship is reversed, and the matter is remanded to the juvenile court with directions to hold a section 366.26 hearing, to allow DCFS to present evidence concerning the adoptability of Keanna, and to make the findings and take the actions required in such a hearing.

Woods, J.

We concur:   Johnson, Acting P.J.  
                  Neal, J.

B100535      J.B. Aguerre, Inc., et al.      (Certified for Publication)  
v.  
American Guarantee and Liability Insurance Co., et al.

The judgment of the trial court is affirmed. Zurich shall recover its costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                  Woods, J.

B106903      People      (Not for Publication)  
v.  
Varela

The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                  Neal, J.

DIVISION SEVEN (Continued)

B102704      People                                  (Certified for Partial Publication)  
v.  
Banks

The judgment is affirmed and the matter is remanded to the trial court for a *Romero* hearing.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

104303 People (Not for Publication)  
v.  
Allen

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

B109040      People                          (Not for Publication)  
v.  
Zamudio

The appeal is ordered dismissed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

## DIVISION SEVEN (Continued)

[illegible]

That portion of the judgment sentencing appellant is vacated. The People may move, if they wish, to amend the information to add a Penal Code section 666 allegation. If they so move, the court shall permit the amendment and give appellant a limited new trial on the truth of the Penal Code section 666 allegation and thereafter sentence appellant as provided by law. In all other respects, the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.